



**Livestock and Seed Program
Audit, Review, and Compliance Branch
Quality System Audit Report**

Applicant: Marin County Organic Certified Agriculture MOCA
Program/Audit Type: National Organic Program/Accreditation for Organic Certification
Organizations- On-site audit
Location(s): Novato CA
Audit Date(s): April 16-17, 2003
Audit File Number: NP3106DA
Action Required: Yes
Auditor(s): Steve Ross-Lead Auditor, Vickie Robertson-Auditor
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AUDIT ACTIVITIES

On April 16-17, 2003 representatives of the USDA, AMS, LS, Audit, Review, and Compliance (ARC) Branch conducted a site evaluation audit and review of Marin County Organic Certified Agriculture (MOCA) Novato, CA. The purpose of the audit was to assess compliance to the National Organic Program (NOP), 7 CFR Part 205. The site evaluation included a review of the certification procedures, decisions, facilities, administrative and management systems, and an observation of a crops operation certified by MOCA, Peter Worsley Farm. An opening meeting was held with the MOCA staff and the Deputy Agriculture Commissioner/Deputy Director of Weights and Measures. MOCA is a governmental entity that can provide a third-party product certification system for organic crops, livestock, wild crops, and handling which was accredited by the USDA on April 29, 2002.

OBSERVATIONS

MOCA is a functional unit within the Marin County Agriculture Commissioner's office and provides for the certification of organic production and handling. Currently MOCA has 23 clients all of whom are crops producers except one who is a handler operation. MOCA has a quality manual that identifies how MOCA is in compliance with the NOP Rule procedures and policies. Once a client contacts MOCA, the client is sent a certification package that includes an application, applicable organic system plan to fill out, a copy of the MOCA Certification Handbook which include the fee schedule, the NOP Rule verbatim, and all other necessary forms to fill out for the certification process to begin. The Certification Handbook also informs the clients of their rights and responsibilities. All forms that are given to the client are listed on a form that the client has to sign and return to MOCA informing them that the clients have received the documents, read them and understand them.

The Quality Manual lists all persons responsibly connected to the certification process. The staff consists of two reviewers/inspectors and two management staff, both of whom can make the final decision for certification. The management staff is the Marin County Agriculture Commissioner/Director of Weights and Measures and the Deputy Agriculture Commissioner/Deputy Director Weights and Measures. One other inspector was listed in the quality manual at the time of USDA accreditation but has since been assigned other office duties. He was never involved in the inspection/certification after the April 29, 2002 accreditation. The MOCA program manager will update the manual and remove this person as a qualified NOP certification staff member. The quality manual also refers in one section to the American Organic Standards (AOG) as a reference document, MOCA will remove this also as the AOG were never used or sent to the clients. The certification handbook refers in one section to additional MOCA Standards, again MOCA has no additional standards and has only used the NOP Rule as its standards.

MOCA will remove this reference also.

Personnel files for all responsibly connected persons were reviewed for compliance with the NOP Final Rule. The review revealed that annual performance evaluations were not available for two of the four persons listed in the manual, including both members of the MOCA management staff.

(NP3106DA.NC1) Inspector agreements containing a current annual conflict of interest disclosure report and a statement of confidentiality were available for all staff members. Position descriptions and resumes were available as part of the Quality Manual. The inspectors currently performing inspections are both IOIA certified, and all personnel possess a four-year degree in an agricultural field. Both the Commissioner and Deputy Commissioner have four year degree in agriculture also with extensive backgrounds in organic agriculture.

A program review was conducted on March 14, 2003 and included an internal audit and annual performance evaluations as required in the Quality Manual. The internal audit noted one applicant that was past due for renewal of certification and one client for which complaint proceedings were in progress. The client with the past due continuance of certification has been notified, indicating that results of the internal audit are used to improve the system.

An investigation was initiated as a result of a complaint against a certified client. A review of the client's production records was performed by the certifying agent and resulted in a notice of non-compliance being issued to the client. The procedure for the issuance of the non-compliance was performed in compliance with the Quality Manual and NOP requirements. A notice of the non-compliance was sent to AMS and the CDFA as required. There have been no denials, revocations, suspensions or appeals to date, nor has there been a need for mediation, however, procedures to address these issues, that are compliant with NOP, are established and contained in the Quality Manual.

The fee schedule is included in the certification handbook and was identified as the one published with the NOP Program Manager. The fee schedule identifies a non-refundable fee for new applicants to cover administrative review. MOCA also notifies the clients of the process of withdrawal of certification. The fee schedule was reviewed against charges in the client files. All fees charges were in accordance with the published fees. MOCA however was not giving the clients a cost estimate unless the client requests an estimate **NC3106DA.NC2.**

Decisions on certification were reviewed in six client files. The review found that MOCA had additional requirements for certification not identified in the NOP rule. MOCA had issued non-conformances for water analysis and notification of neighbors of organic farming **NC3106DA.NC3.** MOCA has issued certificates to all the clients. A review of the certificates indicates that the requirements of the NOP Rule are identified. MOCA had corrected past auditor notification of the need to remove an expiration date from the certificate. Of the six client files reviewed it was found that the date of issuance on two certificates was incorrect. One client's certificate was dated for 2001 instead of 2002 and one certificate was dated three months prior to the onsite inspection. A review of the computer files showed that the staff member had incorrectly dated both certificates **NP3106DA.NC7.**

The six client files were reviewed to ascertain if the organic system plans submitted by the clients were in compliance with the NOP Rule or may be able to comply with the Rule. The blank organic plans supplied by MOCA request all the information as required in the Rule. The review of the files showed that in two files the client did not supply sufficient detail in all areas such as crop rotation, disease, and pest management. MOCA had not resolved the deficiencies and the inspection reports were used to show

compliance with the Rule **NP3106DA.NC6**. The MOCA quality manual requires the reviewer of the organic system plans to initial the report after the report had been reviewed for compliance to the rule. Of the six files reviewed, the reviewer had initialed the organic plans on three occasions. An interview with the two reviewers indicated that the plans had been reviewed but they had failed to initial the report **NP3106DA.NC5**.

Inspection reports and organic system plans submitted to the final decision maker were reviewed to establish that the inspection reports verified the organic system plans. Of the six files reviewed it was found that on two occasions that the inspection report was not sufficient to verify parts of the organic system plan. One client's organic system plan stated that his clients returned cardboard boxes for further use. The inspector did not verify that the boxes had been handled in accordance with 205.2729(b)(2). The handler client's organic system plan did not identify its pest management in accordance with 205.271(a) before stating that it used an outside pest management company. The inspector did not review 205.271(a) during the onsite inspection. During the onsite inspection with MOCA, the inspector only used the OMRI list of approved materials for verification of allowed substances and did not verify the substance with the NOP Rule **NP3106DA.NC4**.

MOCA has begun doing renewal certifications of the 23 approved clients. A review of four files showed that MOCA has given the clients an annual update organic system plan that identifies all requirements of the NOP rule in accordance with 205.406. Updated plans submitted by the clients were complete and had identified all of the stated requirements. MOCA was reviewing the updates and then scheduling inspections accordingly. If an updated certificate was required, MOCA was issuing a new certificate in accordance with the rule.

Peter Worsley Farm, Point Reyes, CA Onsite Inspection:

The Worsley farm is a crop production farm that consists of 1 ½ acres of vegetables, potatoes, and fruit trees. The farm consists of four parcels. The client had been certified by MOCA in 2002 and this was a renewal certification. The client had submitted to MOCA an updated organic plan in accordance with the Rule and MOCA requirements. The inspector had the previous year's inspection reports and certification decisions to review for previous non-compliances. The client had a copy of the NOP Rule, MOCA certification handbook and all documentation required for determining organic traceability. The grower was able to demonstrate to MOCA the ability to obtain organic seeds for almost all crops. Ones that were not commercially available were shown to be conventional untreated seeds. The inspector did an audit trail for potatoes from last year and was able to verify planting to sales. The inspector reviewed the labels to be used by the producer to verify the correct verbiage. The inspector conducted onsite reviews of all four parcels to verify that the updated plan was correct. Once the inspection was complete the inspector conducted an exit interview with Mr. Worsley to identify non-conformances found.

FINDINGS

NP3106DA.NC1 Section 205.501(a)(6) CIP. A certifying agent must conduct an annual performance evaluation of all persons who review applications for certification, perform on-site inspections ... implement measures to correct any deficiencies in certification services. *MOCA did not have performance evaluations conducted on the management staff, the Agriculture Commissioner and Deputy Commissioner, who are responsible for the final decision.*

NP3106DA.NC2 Section 205.642 CIP. The Certifying agent shall provide each client with an estimate of the total cost of certification and an estimate of the annual cost of updating the certification. *MOCA was only supplying the cost estimate on request by the client.*

NP3106DA.NC3 Section 205.404(a) CIP. Certification decisions must be made on the regulation without consideration of any production or handling practices other than those provided for in the Act. *MOCA had made conditions of certification for water analysis testing. The clients had to notify the neighbors of the organic status and activity of the crops or livestock.*

NP3106DA.NC4 Section 205.403(c)(2) CIP. The NOP Rule requires the onsite inspection of an operation must verify that the information included in the organic plan accurately reflects the practices used. *One client stated in the Organic System Plan that customers brought back cardboard boxes for the client to re- use for packaging, the inspector did not verify compliance with 205.272(b)(2). One handler client's Organic System Plan did not identify what pest management practices were used in accordance with 205.271(a) and only stated that an outside pest agency was controlling the pests. The inspector did not review 205.271(a) before 205.271(b). The onsite inspection conducted during the audit found that the inspector only used the OMRI list for determining the allowed or not allowed use of substances and did not verify using the NOP National List. All substances were determined to be in compliance with the NOP National List.*

NP3106DA.NC5 Section 205.402(a)(2) CIP. Requires the certifying agent to review the application prior to assigning the application to an inspector for inspection. The MOCA quality manual also requires the review of the application/organic system plan and that the organic system plan will be dated and initialed upon completion of the review. *Although all applications/organic system plans had been reviewed, the inspector/reviewer had not initialed the document in three of the six files reviewed*

NP3106DA.NC6 Section 205.201(a) CIP. The producer or handler ... must develop an organic system plan that is agreed to by the producer or handler and an accredited certifying agent. *Organic System plans provided to the clients requested all information as required in the Rule. The producer/handlers had not consistently provided sufficient detail in all areas to show the client complies or may be able to comply and MOCA is relying on the inspection report for verification/correction to the Organic System Plan.*

NP3106DA.NC7 Section 205.404(b)(2) CIP. The certificate issued to the client shall have the effective date of certification. *Two client files reviewed found that the wrong date was on the certificate. One was listed as effective for April 2001 instead of April 2002. The other client was listed as effective for June 2002 instead of October 2002. Upon review of the inspection reports and certification decisions it was determined that computer input was in error and the certification of the clients was not compromised.*

RECOMMENDATIONS

Observations, records reviewed, and interviews indicate that MOCA is in compliance with NOP 7 CFR Part 205. The audit team recommends that MOCA implement corrective action on the noted non-conformances and submit the corrective actions along with supporting documentation in a time frame designated by the NOP.